

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANNE FLACCUS,

Plaintiff,

v.

ADVANCED DISPOSAL SERVICES
SOUTH, LLC,

Defendant.

CIVIL ACTION
NO. 2:17-cv-04808-MAK

**NOTICE OF FILING EVIDENTIARY MATERIAL IN SUPPORT
OF PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

Defendant Advanced Disposal Services South, LLC (“ADS” or the “Defendant”) hereby submits the following evidentiary materials in support of preliminary approval of the class-wide settlement reached in this case:

1. Declaration of Beth Ann Schweiner, attached as **Exhibit “1”** hereto.
2. Declaration of Samantha Jean Daley, attached as **Exhibit “2”** hereto.
3. Compilation of Service Agreements between ADS and Pennsylvania customers demonstrating individual negotiations regarding the assessment of fuel surcharges, environmental fees, and administrative fees charged to the customers, with all personal identifiers redacted in accordance with Local Rule 5.1.3 of the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania, attached as Composite **Exhibit “3”** hereto.
4. The Interstate Waste Services (“IWS”) call notes for Plaintiff’s account with IWS from IWS’s system, which shows that Plaintiff was charged and paid a fuel surcharge to IWS as early as 2007, with all personal identifiers redacted in accordance with Local Rule 5.1.3, attached as **Exhibit “4”** hereto.

5. ADS's revised preprinted Service Agreement from 2013, which includes improved disclosures regarding the fees and their calculations, as well as an arbitration clause, a class action waiver, and a one-year statute of limitation for bringing a lawsuit, attached as **Exhibit "5"** hereto.

6. ADS's revised preprinted Service Agreement from 2015, which also includes a class action waiver and a one-year statute of limitation for bringing a lawsuit, as well as even more transparent disclosures regarding the fees, attached as **Exhibit "6"** hereto.

WHEREFORE, Defendant respectfully requests that preliminary approval of the proposed class-wide settlement be granted.

Respectfully submitted this 8th day of February, 2023.

/s/ Joel L. Frank

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ADVANCED DISPOSAL SERVICES, LLC

CERTIFICATE OF SERVICE

I, Joel L. Frank, Esquire, hereby certify that on February 8, 2023, I caused a true and correct copy of the foregoing Notice of Filing Evidentiary Material in Support of Preliminary Approval of Class Settlement to be served via the Court's CM/ECF system upon all counsel registered to receive electronic notices in the above-captioned action.

/s/ Joel L. Frank

JOEL L. FRANK